

## TARIFF ACTION MEMORANDUM

File No.: TA99-731

Date: June 24, 2021

Date Filed: May 28, 2021

Statutory End Date: July 12, 2021

Utility: Alaska Waste Mat-Su, LLC d/b/a Alaska Waste

Description: Residential Disposal Surcharge

### Synopsis of Filing:

Alaska Waste Mat-Su, LLC d/b/a Alaska Waste proposes to revise its Residential Disposal Surcharge.

### **Tariff Recommendations:**

Staff recommends that the Commission:

1. Approve Alaska Waste Mat-Su, LLC d/b/a Alaska Waste's request to shorten the statutory review period based on a finding that the company has demonstrated good cause exists to justify an early effective date.
2. Approve Tariff Sheet No. 51.05, filed May 28, 2021, by Alaska Waste Mat-Su, LLC d/b/a Alaska Waste with TA99-731, as shown on the attached side-by-side tariff sheet (Appendix 1). The effective date of the tariff sheet should be July 1, 2021.

Prepared by: Steven Jones

Steven Jones

Title: Utility Tariff Analyst

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Commissioner decision re this recommendation:

	<u>Date (if different from 6/24/2021)</u>	<u>I CONCUR</u>	<u>I DO NOT CONCUR</u>	<u>I WILL WRITE A DISSENTING STATEMENT*</u>
Pickett		<u>RMP</u>		
Kurber		<u>KKT</u>		
Scott		<u>AGS</u> AGS		
Sullivan		<u>DS</u> DS		
Wilson		<u>JWW</u> JWW		

Instructions to Staff: \_\_\_\_\_

STATE OF ALASKA  
**The Regulatory Commission of Alaska**  
701 West 8<sup>th</sup> Ave., Suite 300  
Anchorage, Alaska 99501-3469

**M E M O R A N D U M**

TO: Commissioners:

DATE: June 24, 2021

Robert M. Pickett, Chairman  
Keith Kurber II  
Antony Scott  
Daniel A. Sullivan  
Janis W. Wilson

Statutory End Date: July 12, 2021

Requested Effective Date: July 1, 2021

FROM: Steven Jones, Utility Tariff Analyst

Subject: TA99-731  
Residential Disposal Surcharge

**Statement of Case**

The Commission must decide whether Alaska Waste Mat-Su, LLC d/b/a Alaska Waste (AWMS) has shown good cause exists to justify shortening the 45-day review period and allowing an early effective date of July 1, 2021, for TA99-731.

**Recommendations**

Staff recommends that the Commission:

1. Approve AWMS's request to shorten the statutory review period based on a finding that the company has demonstrated good cause exists to justify an early effective date.
2. Approve Tariff Sheet No. 51.05, filed May 28, 2021, by AWMS with TA99-731, as shown on the attached side-by-side tariff sheet (Appendix 1). The effective date of the tariff sheet should be July 1, 2021.

**Background**

AWMS is a wholly-owned subsidiary of Waste Connections, Inc., providing solid waste collection, transfer, disposal, and recycling services within the Matanuska Susitna Borough (Mat-Su). AWMS provides regulated residential refuse service to 9,700 customers.<sup>1</sup>

In Order No. U-14-104(19)/U-14-105(17)/U-14-106(19)/U-14-107(20) the Commission accepted a stipulation that approved the inclusion of a residential disposal surcharge (CODS) in the AWMS and Waste Connections of Alaska, Inc. tariffs.<sup>2</sup> That order also required that AWMS file revised tariff sheets that reflected the terms of the stipulation.<sup>3</sup> AWMS filed revised tariff sheets including a CODS tariff sheet on May 6, 2016.<sup>4</sup> The

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<sup>1</sup> See tariff advice letter for TA99-731, at page 1.

<sup>2</sup> See Order No. U-14-104(19)/U-14-105(17)/U-14-106(19)/U-14-107(20), issued April 6, 2016.

<sup>3</sup> *Id.*, at 4.

<sup>4</sup> See Compliance Filing for Alaska Waste filed May 6, 2016.

Commission issued Order No. U-14-104(20)/U-14-105(18)/U-14-106(20)/U-14-107(21) on May 31, 2016, approving the tariff sheets.<sup>5</sup>

On June 17, 2016, AWMS filed TA67-731, its initial residential CODS filing. With that filing, AWMS requested an early effective date of June 30, 2016.<sup>6</sup> On June 21, 2016, the Commission issued Letter Order No. L1600306 denying AWMS' request to shorten the 45-day statutory notice period. That letter order stated that AWMS had failed to demonstrate reasonable diligence or good cause sufficient to relieve it from the statutory requirements.<sup>7</sup>

On June 24, 2016, AWMS filed a petition for reconsideration of Letter Order No. L1600306 and a request for expedited consideration on the petition for reconsideration.<sup>8</sup> On June 29, 2016, the Commission issued Letter Order No. L1600313, granting AWMS' petition for reconsideration and request for expedited consideration, and approving the tariff sheet filed with TA67-731.

On May 19, 2017, AWMS filed TA74-731, seeking to update its residential CODS. In addition, AWMS requested an early effective date of June 30, 2017.<sup>9</sup> On June 30, 2017, the Commission issued Letter Order No. L1700282 approving the tariff sheet and AWMS' request for a shortened statutory notice period.

On June 18, 2018, AWMS filed TA82-731, seeking to update its residential CODS. In addition, AWMS requested an early effective date of June 30, 2018.<sup>10</sup> On June 26, 2018, the Commission issued Letter Order No. L1800270 approving the tariff sheet, waiving the public notice, and approving the request for a shortened statutory notice period.

On June 19, 2019, AWMS filed TA87-731, seeking to update its residential CODS. In addition, AWMS requested an early effective date of June 30, 2019.<sup>11</sup> On June 24, 2019, the Commission issued Letter Order No. L1900246 approving the tariff sheet, waiving the public notice, and approving the request for a shortened statutory notice period.

In Order No. U-14-104(19)/U-14-105(17)/U-14-106(19)/U-14-107(20) the Commission accepted a stipulation that approved the inclusion of a residential disposal surcharge in the Alaska Waste tariffs.<sup>12</sup> That order also required that Alaska Waste file revised tariff sheets for WCA, AWMS, AWI, and AWK that reflected the terms of the stipulation.<sup>13</sup> Alaska Waste

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<sup>5</sup> See Order No. U-14-104(20)/U-14-105(18)/U-14-106(20)/U-14-107(21) issued May 31, 2016

<sup>6</sup> See TA67-731, filed June 17, 2016.

<sup>7</sup> See Letter Order No. L1600306, issued June 21, 2016.

<sup>8</sup> See Petition for Reconsideration of Letter Order No. L1600306 and Request for Expedited Consideration, filed June 24, 2016.

<sup>9</sup> See TA74-731, filed May 19, 2017.

<sup>10</sup> See TA82-731, filed June 18, 2018.

<sup>11</sup> See TA87-731, filed June 19, 2019.

<sup>12</sup> See Order No. U-14-104(19)/U-14-105(17)/U-14-106(19)/U-14-107(20), issued April 6, 2016.

<sup>13</sup> Id, at 4.

filed revised tariff sheets including a residential disposal surcharge tariff sheet on May 6, 2016.<sup>14</sup> The Commission issued Order No. U-14-104(20)/U-14-105(18)/U-14-106(20)/U-14-107(21) on May 31, 2016, approving the tariff sheets.<sup>15</sup>

On June 22, 2020, AWMS filed TA93-731, seeking to update its residential CODs. In addition, AWMS requested an early effective date of June 30, 2020.<sup>16</sup> On June 26, 2020, the Commission issued Letter Order No. L2000262 approving the tariff sheet, waiving the public notice, and approving the request for a shortened statutory notice period.

AWMS now submits TA99-731, seeking to update its residential CODs for the period beginning July 1, 2021. With TA99-731, AWMS requests an early effective date of July 1, 2021. A public notice was issued for TA99-731 on June 2, 2021, with comments requested by June 21, 2021. No comments were received.

## Analysis

### ***Review Period - Early Effective Date***

The statutory review period for tariff revisions is established by AS 42.05.411(a), which provides that a public utility may not place into effect new or revised tariff provisions except after 45 days' notice to the Commission and 30 days' notice to the public.<sup>17</sup> That statute also provides that the Commission may, for good cause shown, allow changes to take effect on less than 45 days' notice to the Commission. 3 AAC 48.300 recognizes the Commission's discretion to allow a tariff filing to take effect before the end of the 45-day statutory notice period, requiring the utility to include the request in its tariff advice letter and imposing the burden of showing good cause on the filing utility.<sup>18</sup>

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<sup>14</sup> See Compliance Filing for Alaska Waste filed May 6, 2016.

<sup>15</sup> See Order No. U-14-104(20)/U-14-105(18)/U-14-106(20)/U-14-107(21) issued May 31, 2016

<sup>16</sup> See TA93-731, filed June 19, 2019.

<sup>17</sup> AS 42.05.411 (New or Revised Tariffs) states:

A public utility may not establish or place in effect any new or revised rates, charges, rules, regulations, conditions of service or practices except after 45 days' notice to the commission and 30 days' notice to the public. Notice shall be given to the commission by filing with the commission and keeping open for public inspection the revised tariff provisions which shall plainly indicate the changes to be made in the schedules then in force and the time when the changes will go into effect. The commission shall prescribe means by regulation whereby notice is given to the public before or no later than 15 days after the filing that is reasonably adequate to notify customers affected by the filing. The commission, for good cause shown, may allow changes to take effect on less than 45 days' notice to the commission or 30 days' notice to the public under conditions the commission prescribes.

<sup>18</sup> 3 AAC 48.300 (*Waiver of Statutory Notice*) provides in pertinent part:

(a) When a utility or pipeline carrier includes in its advice letter a request for authorization for a tariff filing to take effect before the end of the statutory notice period, the burden of showing good cause for waiving statutory notice must be borne by the filing utility or pipeline carrier.

(b) In response to each request under (a) of this section, the commission will, in its discretion

(1) deny the request and require at least the statutory notice period to expire before allowing the filing to take effect;

(2) grant the request as of the effective date specified;

(3) allow the filing to take effect before the end of the statutory notice period but later than the date specified in the request; and

(4) pending a public hearing, suspend the operation of the tariff filing for a period not longer than that permitted under AS 42.05.421 or AS 42.06.400.

AWMS requests that this tariff filing be approved effective July 1, 2021, which would allow less than for 30 days' notice to the public and less than 45 days' notice to the Commission. With this filing, AWMS is proposing to increase the CODS. It believes that an early effective date should be granted because it received an email from the Mat-Su Borough that the disposal fees at the Mat-Su landfill facility would be increasing on July 1, 2021.<sup>19</sup> AWMS states that it filed its request for adjustment to its CODS as expeditiously as possible after receiving the email. AWMS further states that the disposal costs are fully outside of its control and that AWMS is in no way affiliated with the landfill facility. In addition, AWMS states that it does not earn a return on the disposal surcharge, it is simply a pass through of the cost of disposal. AWMS states that it bills its residential customers quarterly in advance and there is no balancing account in place for its CODS and therefore no means by which AWMS could recover the two months of lost revenues. AWMS estimates that if the rate is not effective July 1, 2021, it will have to forego approximately \$6,390 in residential revenues. AWMS states that the disposal costs are a significant portion of its total expenses and it will be unable to recover all of its disposal costs without the waiver.<sup>20</sup>

Staff notes that AWMS' CODS does not include a balancing account. Staff concurs with AWMS that, should AWMS not be able to implement the updated CODS in time to allow for its billing starting July 1, 2021, the utility would not be able to recover the disposal costs because there is no mechanism through which it could do so. This may cause the utility financial harm. Therefore, Staff believes that good cause exists to waive the statutory notice period and allow an early effective date for TA99-731. Staff recommends the Commission grant AWMS' request and allow it to use an early effective date of July 1, 2021, for TA99-731.

### ***CODS Increase (Tariff Sheet 51.05)***

The approved methodology for calculating the AWMS' residential CODS is as follows.

$$\text{Disposal Surcharge} = 12 \text{ Month Trailing Disposal Component} \times \text{Percentage Change in Disposal Fee}$$

AWMS' calculation of the residential CODS consists of two parts. The first part is the 12-month trailing disposal component. The 12-month trailing disposal component is calculated by multiplying the sample weight per collection by the current tip fee in \$/pound by the scheduled collections per month by the disposal normalization factor.<sup>21</sup> The second part is the percentage change in disposal fee. AWMS provided support for the calculation of the 12-month trailing disposal component and percentage change in disposal fee.<sup>22</sup>

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<sup>19</sup> See tariff advice letter for TA99-731, at pages 18 and 19.

<sup>20</sup> See tariff advice letter for TA99-731, at pages 2 and 3.

<sup>21</sup> See Tariff Sheet No. 51.05. Staff notes that the disposal normalization factor is calculated by dividing the actual 12-month total disposal expense by the sum of hypothetical disposal calculations for all service levels. Staff also notes that the hypothetical disposal expense is calculated by multiplying the 12-month average customer count for a service level by the 12-month disposal component for that service level before applying the normalization factor by 12 months.

<sup>22</sup> See TA99-731 at 2021 Workpapers.

The following tables show the current and proposed 12-month trailing disposal component, percentage change in disposal fee, and the effect on an average customer.

Current Disposal Surcharge, Effective June 30, 2020			
Cart Size	12 Month Trailing Disposal Component in \$ (A)	Percentage Change in Disposal Fee (B)	Disposal Surcharge (A x B)
32 Gallon Cart	\$6.65	15.83%	\$1.05
64 Gallon Cart	\$8.81	15.83%	\$1.39
96 Gallon Cart	\$13.26	15.83%	\$2.10
Can/Bag Service	\$1.75	15.83%	\$0.28

Proposed Disposal Surcharge, Effective July 1, 2021			
Cart Size	12 Month Trailing Disposal Component in \$ (A)	Percentage Change in Disposal Fee (B)	Disposal Surcharge (A x B)
32 Gallon Cart	\$6.99	18.33%	\$1.28
64 Gallon Cart	\$9.26	18.33%	\$1.70
96 Gallon Cart	\$13.95	18.33%	\$2.56
Can/Bag Service	\$1.84	18.33%	\$0.34

The increase in the CODS is a result of the increase in the Mat-Su landfill's disposal fee from \$139.00 per ton to \$143.00 per ton.<sup>23</sup> Staff notes that AWMS' CODS methodology does not include the use of a balancing account balance or estimated revenues to calculate the CODS.<sup>24</sup>

Staff has reviewed all information and calculations filed in support of the proposed surcharge. Staff confirmed that the proposed CODS surcharge was calculated accurately, using AWMS's approved methodology, and that the tariff sheet is correct. Therefore, Staff recommends the Commission approve Tariff Sheet No. 51.05.

### Revenue Requirement Study

AWMS filed a revenue requirement study (RRS) on December 23, 2019, designated as TA90-731. TA90-731 was suspended into U-20-003 on February 6, 2020.<sup>25</sup> In its tariff advice letter for TA90-731, AWMS stated that the residential CODS will continue during the interim rate period and the interim rate request has been netted down by the CODS that it will continue to bill. AWMS also stated that it has included the full disposal expense in its RRS.<sup>26</sup> The pending RRS has not been approved; therefore, the new disposal fees are not included in the interim rates currently in effect. In addition, the increase to the

<sup>23</sup> *Id.*, at page 1.

<sup>24</sup> See Prefiled Direct Testimony and Exhibit of Joe Wonderlick, filed July 30, 2014 with TA46-731, at pages 29 through 30, which sets out the calculation that was discussed in the Stipulation.

<sup>25</sup> See Order No. U-20-002(1)/U-20-003(1)/U-20-004(1)/U-20-005(1)/U-20-006(1)/U-20-007(1)/U-20-008(1)/U-20-009(1)/U-20-010(1), issued February 6, 2020.

<sup>26</sup> See tariff advice letter for TA90-731, at page 5.

current disposal charges would not be included in the RRS. On May 28, 2021, the parties<sup>27</sup> filed a stipulation resolving all disputed issues.<sup>28</sup> In that stipulation, the parties agreed that the disposal surcharge would be set to zero and then adjusted for the subsequent disposal increases.<sup>29</sup> The Commission has not acted upon this stipulation, as of the date of this memo. Staff does not recommend suspension of TA99-731 into AWMS' pending revenue requirement study as the CODS is calculated using the percentage change in the disposal fee based on the disposal costs currently included in base rates and new rates have not yet been approved by the Commission.

## CONCLUSION

With TA99-731, AWMS requests approval of its updated CODS. In addition, AWMS requests an early effective date of July 1, 2021. Staff has verified the proposed surcharge was calculated accurately using AWMS' approved methodology, the proper support was filed, and the tariff sheet is correct. Staff recommends the Commission:

1. Approve Alaska Waste Mat-Su, LLC d/b/a Alaska Waste's request to shorten the statutory review period based on a finding that the company has demonstrated good cause exists to justify an early effective date.
2. Approve Tariff Sheet No. 51.05, filed May 28, 2021, by Alaska Waste Mat-Su, LLC d/b/a Alaska Waste with TA99-731. The effective date of the tariff sheet should be July 1, 2021.

**Signature:** 

**Email:** bob.pickett@alaska.gov

**Signature:**   
Keith Kurber II (Jun 24, 2021 08:43 AKDT)

**Email:** keith.kurber@alaska.gov

**Signature:** 

**Email:** antony.scott@alaska.gov

**Signature:**   
Daniel Sullivan (Jun 24, 2021 08:54 AKDT)

**Email:** daniel.sullivan@alaska.gov

**Signature:**   
Janis W. Wilson (Jun 24, 2021 15:01 AKDT)

**Email:** janis.wilson@alaska.gov

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<sup>27</sup> Parties include Alaska Waste and the Office of the Attorney General, Regulatory Affairs and Public Advocacy.

<sup>28</sup> See TR2103055, Stipulation Resolving all Disputed Issues, Dockets U-20-002 through 020.

<sup>29</sup> *Id.*, at page 15.

RCA NO. <u>731</u> <u>Fifth Revision</u> SHEET NO. <u>51.05</u>  <div style="text-align: center;">Canceling</div> <u>Fourth Revision</u> SHEET NO. <u>51.05</u>	<div style="border: 2px solid black; padding: 10px; margin: 0 auto; width: 80%;"> <b>RECEIVED</b>  <b>JUN 22 2020</b>  <small>STATE OF ALASKA REGULATORY COMMISSION OF ALASKA</small> </div>																								
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<b>300.20.2 MAT-SU RESIDENTIAL SURCHARGES</b>  <div style="text-align: center;">Disposal Fee Surcharge</div> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th style="text-align: center;">Cart Size</th> <th style="text-align: center;">Disposal Component In \$ (a)</th> <th style="text-align: center;">% Change in Disposal Fee (b)</th> <th style="text-align: center;">Surcharge as Presented on Customer's Bill</th> </tr> </thead> <tbody> <tr><td>32 Gal Cart</td><td style="text-align: right;">\$6.65</td><td style="text-align: right;">15.83%</td><td style="text-align: right;">\$1.05</td></tr> <tr><td>64 Gal Cart</td><td style="text-align: right;">\$8.81</td><td style="text-align: right;">15.83%</td><td style="text-align: right;">\$1.39</td></tr> <tr><td>96 Gal Cart</td><td style="text-align: right;">\$13.26</td><td style="text-align: right;">15.83%</td><td style="text-align: right;">\$2.10</td></tr> <tr><td>96 Gal Bear Cart</td><td style="text-align: right;">\$13.26</td><td style="text-align: right;">15.83%</td><td style="text-align: right;">\$2.10</td></tr> <tr><td>Can/Bag Service</td><td style="text-align: right;">\$1.75</td><td style="text-align: right;">15.83%</td><td style="text-align: right;">\$0.28</td></tr> </tbody> </table> <p style="margin-top: 20px;">This surcharge applies to Residential rates, including additional cart and extra can and bag charges.</p> <p>The Formula for this Surcharge is calculated as follows:</p> <p style="margin-left: 40px;">Disposal Fee Surcharge = (a) x (b)</p> <p>(a) = (Sample Weight per collection in lbs) x (Current Tip Fee \$ per lb) x (Scheduled Collections per month) x (Disposal Normalization Factor)</p> <p>Disposal Normalization Factor = (Actual 12 Month Total Disposal Expense) / (Sum of Hypothetical Disposal Calcs for all Service Levels)</p> <p>Hypothetical Disposal Expense for Service Level A = (12 Month Average Customer Count for Service Level A) x (12 Month Disposal Component for Level A BEFORE Applying Normalization Factor) x 12 Months.</p> <p>(b) = Percentage Tip Fee Increase</p> <div style="border: 1px solid black; padding: 10px; margin-top: 20px; display: flex; justify-content: space-between;"> <span>Tariff Advice No. <u>93-731</u></span> <span>Effective: <u>June 30, 2020</u></span> </div> <p style="margin-top: 5px;">Issued By: ALASKA WASTE MAT-SU, LLC d/b/a ALASKA WASTE</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <span><u>Heather Garland</u></span> <span>Title: <u>Pricing Manager</u></span> </div>		Cart Size	Disposal Component In \$ (a)	% Change in Disposal Fee (b)	Surcharge as Presented on Customer's Bill	32 Gal Cart	\$6.65	15.83%	\$1.05	64 Gal Cart	\$8.81	15.83%	\$1.39	96 Gal Cart	\$13.26	15.83%	\$2.10	96 Gal Bear Cart	\$13.26	15.83%	\$2.10	Can/Bag Service	\$1.75	15.83%	\$0.28
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RCA NO. 731 <u>Sixth Revision</u> SHEET NO. <u>51.05</u>  <div style="text-align: center;">Cancelling Fifth Revision</div> <u>SHEET NO. 51.05</u>	<div style="border: 2px solid green; border-radius: 50%; padding: 10px; margin: 0 auto; width: 80%;"> <small>TARIFF SECTION</small>  <b>RECEIVED</b>  <b>MAY 28</b>  <b>2021</b>  <small>RCA</small> </div>																								
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